IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Ld **CIVIL APPLICATION NO.248 OF 2006**

in

LETTERS PATENT APPEAL (St) No.19571/06

Bhimrao Vithal Patil **....** Applicant

vs

1.Yuvraj Gangaram Kaluburne & ors..Respondents

Mr.V.B.Naik with Mr.I.M.Khairdi for Applicant

Mr.S.S.Shah for Respondents

CORAM: D.G.DESHPANDE AND SMT.ROSHAN DALVI, JJ

DATE : 20th December, 2006

P.C.

1. In this case, we had passed an order on 28th November, 2006 that in view of the reliefs claimed by the applicant we had directed the matter to be placed before the same Judge i.e.Justice S.B.Mhase.

2. Counsel for the applicant states that he has filed an application for condonation of delay. and the delay be condoned and leave to file the appeal be granted because the appeal is now being filed on behalf of another trustee in place of the original trustee after the death of the original trustee and thereafter he may be permitted to withdraw the LPA so that he can take up the appeal.

3. In view of this limited prayer, we condone the delay . Civil Application for delay is disposed of. We grant leave to file an appeal and allow the LPA to be withdrawn.

4. All contentions are kept open.

(Smt R.S.Dalvi,J) **(D.G.Deshpande, J)**